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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,710	02/14/2002	Andrew Sutherland	103140-0014U	8378
24267	7590	11/23/2004	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			BATAILLE, PIERRE MICHE	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/075,710	SUTHERLAND ET AL.	
	Examiner	Art Unit	
	Pierre-Michel Bataille	2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2 and 19-21 is/are rejected.
- 7) Claim(s) 3-18 and 22-36 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is taken in response to Applicant's communication filed August 19, 2004 responding the Rejection dated May 20, 2004. Applicant's amendments and/or arguments have been considered with the results that follow.
2. claims 1-36 are pending in the application under prosecution.

Response to Arguments

3. Applicant's arguments filed August 19, 2004 have been fully considered but they are not persuasive for at least the following remarks.

Claim 1-2 and 19-21 were previously rejected as being anticipated by US Published Application 2002/0188657 (Traversat). Applicant argued that Traversat's published application fails to anticipate the claimed invention in claims 1-2 and 19-21. More Specifically Traversat fails to teach "The storage coordinator designates selected groups of nodes within the plurality of nodes as replication groups and directs the nodes selected for a given group to communicate peer-to-peer to replicate associated group files. The storage coordinator thus centrally manages distributed storage resources."

First of all: the claims do not specify the storage coordinator acting as ***central*** manager. Moreover, Traversat teaches these features and more. Specifically paragraph 81 of Traversat discloses "Peer groups 122 may establish a set of peers and naming within a peer group with mechanisms to create policies for creation and deletion, membership,

advertising and discovery of other peer groups and peer nodes, communication, security, and content sharing." See Fig. 19 and 34. Paragraph 137, 139, and 140 clearly discloses that peer groups provides and creates a monitoring environment where peer groups may permit peers to monitor a set of peers for any special purpose. Traversat provides an example that Peer Group 210A provides monitoring service that tracks information about the status of peer members.

Applicant statement that, there is no showing, teaching or suggestion in Traversat of a storage coordinator that creates the group and/or directs the nodes in the group to replicate associated group files, is not proper as Peer Group 210A provides monitoring service that tracks information about the status of peer members. Thus, the rejection in view of Traversat is maintained and repeated below.

The rejection applied with respect to claims 1-7, 15, 19-26, and 34, rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0145086 (O'Reilly), has been withdrawn for having been overcome by applicant's arguments.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US 20020188657.

With respect to claims 1 and 19-20, Traversat teaches a plurality of file storage nodes that are distributed on and communicate peer-to-peer over a network (plurality of peer nodes configured to implement a peer-to-peer environment on a network according to a peer-to-peer platform) [abstract; Fig. 13-14 and 19-20]; a storage coordinator (peer-to-peer platform/application layer) that manages file storage on the plurality of file storage nodes [paragraph 0035], the storage coordinator designating selected groups of nodes (peer groups 210A, 210B) within the plurality of files storage nodes [paragraph 0031] and directing the nodes into a given group to communicate peer-to-peer to replicate associated group files [paragraphs 0038; 0097; 0133].

With respect to claims 2 and 21, Traversat teaches an administrative console (a discovery service in the core peer-to-peer platform) that administers policies set by an administrator, providing policies to the storage coordinator [paragraph 00267] and the storage coordinator designating the groups in accordance with the policies provided by the administrative console [paragraphs 0123-0124].

Allowable Subject Matter

6. Claims 3-18 and 22-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 20030236820 (Tierney et al) teaching Method and apparatus for managing a peer-to-peer collaboration system.

"Cluster-based scalable network services", Armando Fox et al, ACM SIGOPS Operating Systems Review , Proceedings of the sixteenth ACM symposium on Operating systems principles, October 1997.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (9:30A to 6:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (703) 305-3821. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre-Michel Bataille
Primary Examiner
Art Unit 2186
PIERRE BATAILLE
PRIMARY EXAMINER

October 14, 2004